

## Article - Public Utilities

[\[Previous\]](#)[\[Next\]](#)

§5–406.

(a) (1) A railroad company may change the location or grade of any portion of its road if the company finds the change is necessary for any reasonable cause, including to avoid:

- (i) inconvenience to public travel;
- (ii) dangerous or difficult curves or grades; or
- (iii) unsafe or unsubstantial grounds or foundations.

(2) A change of location or grade under this section shall follow the general route of the existing road.

(3) A railroad company may enter on and take land and make surveys necessary to make the change in location or grade in accordance with Title 12 of the Real Property Article.

(b) (1) A railroad company is liable to the owner of the land on which the road was constructed for any damages caused by a change in location or grade of the road.

(2) The amount of damages determined shall be paid to the owner or deposited into court.

(3) An owner shall claim damages within:

- (i) 30 days after actual notice of the intended change has been given to the owner, if the owner resides on the premises; or
- (ii) 60 days after publication of notice in a newspaper in general circulation in the county, if the owner is a nonresident.

(c) If a railroad company condemns land under this section, the condemnation is binding on the company, unless the company chooses to abandon the location within 30 days after making the condemnation.

[\[Previous\]](#)[\[Next\]](#)